

REMARKS

Initially, Applicant notes that the remarks and amendments made by this paper are consistent with the proposals presented during the telephone call of October 26, 2007.

By this paper, claim 1 has been amended. No other claims have been amended, cancelled or added, and such that claims 1-13 remain pending, of which claim 1 is the only independent claim at issue.¹

The Final Office Action, mailed September 27, 2007, considered and rejected claims 1-13. Claims 1-6 and 8-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wetzer et al (US Patent Publication No.: 2004/0162811), hereinafter Wetzer, in view of Kocur (US Patent No.: 5,913,201), hereinafter Kocur. Claims 7 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wetzer et al, in view of Kocur as applied to claim 1 and further in view of Crici et al. (US Patent Publication No.: 2005/0027580).

As recited in the claims, the present invention is generally directed to embodiments for automatically scheduling appointments for a job based upon attributes of the job, resource availability, and the flow and order of time frames for each service require to do the job. For instance, claim 1 recites a method for scheduling appointments to do a job. In the recited method, operator input is received specifying each service and a time dependency of each service needed to perform the job. Operator input specifying a time availability of each resource that can be used to perform each service needed to perform the job is received as well.

Before the appointment to do a job is actually scheduled, a plurality of proposals is created that specify when the job might be scheduled during a defined time period, as a function of each service specified by an operator, and the time dependency of each service specified by an operator, the plurality of proposals being created as a function of the time availability of each resource that can be used to perform each service needed to perform the job specified by an operator and regardless of whether the time availability of the resource that can be used to perform each service has been included with another proposal. For example, a single resource can be identified by at least two different proposals, even though that could create a conflict regarding the single time availability of the resource. The reason this is allowed is that the proposals do not require the resource until the job is actually selected. Each proposal also indicates a time instance at which the job can be initiated during the defined time period.

¹ Support for the amendment is found throughout the specification including, but not limited to, the disclosure of page 13 of the application as originally written.

After the proposals are created, input is received specifying a desired time for starting the appointment to do the job. Based on the input, one of the plurality of proposals, which was created *prior to the input specifying a desired time for starting the appointment*, is automatically selected to make an appointment for doing the job. In other words, the proposals are created before the time requirements for selecting the proposal are identified.

The corresponding resources for the selected proposal are then associated with the appointment, which can make the resources unavailable for other proposals. Accordingly, the identified set of the proposals remaining is then automatically revised in response to said one of the plurality of proposals being selected, including revising proposals for which resources are no longer available due to making the appointment for doing the job and eliminating any proposals from among the plurality of proposals for which proposals cannot be revised due to resources no longer being available.

The cited combination of Wetzer and Kocur clearly fails to teach all of the elements recited in claim 1. For instance, claim 1 requires that the plurality of proposals be generated *prior to* the receipt of input specifying the desired start time of the job and automatically selecting one of the proposals based on the received input. In contrast to the claimed embodiments, the cited disclosure of Wetzer teaches just the opposite, that the time selection is made first and that the optimizing of a proposal is performed only after the selection is made of the desired time for the proposals. Claim 1 further requires that resources are associated with the proposal that was selected, but the cited art teaches that the resources are associated with the optimized task, not the task that was actually selected based on the desired start time.

The Office Action relies on paragraphs [0031]-[0034] of Wetzer as teaching the limitations of generating the plurality of proposals prior to the input. In the cited passages, Wetzer discloses developing a preliminary reference plan within a specified time window. After the resource plan has been developed, the resource plan is optimized, which may involve a reiterative process. The optimization of the plan may include human intervention including providing the user with the option to select a time window during which to perform a task. After optimizing the plan the system then allocates the assignments.

Initially, it will be noted that this plan being optimized by Wetzer is only a single plan, not a plurality of plans for which a start time is identified. Correspondingly, Wetzer does not disclose that a plurality of proposals is generated prior to the input specifying the job start time. The Office Action asserts that the human input received during the optimization of the resource

plan is equivalent to receiving input after the generation of the proposals. However, such input is received during optimization for the single plan to be used in the optimization process. Accordingly, even if the optimized plan or any instance of that plan is considered a second plan, that plan is not generated until after the time input was received, which goes against the recited limitations of the claims. If Wetzer's single preliminary resource plan is considered to be the plurality of proposals, by the Examiner, Applicant respectfully notes that prior to the time input/optimization process, only a single preliminary resource plan has been developed, not a plurality of plans as required in the claims, thereby making this interpretation improper. A plurality of plans could only be generated by Wetzer, if at all, during the reiterative process of optimizing the initial plan, and Wetzer only describes receiving input during the optimization process, and at a time when the actual optimized plan has not yet been generated. Nowhere within Wetzer is it disclosed that a time window is identified or selected after the proposals or plans have been developed (optimized), or that the selection of the start time is applied to a plurality of plans, as claimed. Instead, Wetzer's time input is merely received as part of the optimization process for a single plan being optimized.

Similarly, the current claims also require that the association of the resources corresponding to the selected proposal be made prior to the input of the desired start time. In contrast, the example cited in the Office Action takes place only after the plan has already been optimized (the time selection has been made). The plan that is used would not be the actual plan automatically selected, but is instead an optimized plan based on a selected time window. The cited art is not generating the plan until after the time window has been selected. Even if the cited art was read as generating plans prior to receiving input, the plans generated previously would not be the resulting optimized plan that resources are associated with as required in the claims.

Additionally, Applicant respectfully disagrees with the Examiner's response to Applicant's previous arguments. With regard to Wetzer, while the preliminary plan is optimized, and such optimization occurs according to a plurality of rules and constraints, it is only a single plan. The claims require the selection to be made from among a plurality of plans or proposals; therefore simply selecting the preliminary plan by default, as done in Wetzer, cannot meet the requirements of the claims.

Applicant further respectfully disagrees with the Examiner's response with regard to Kocur. Kocur does not teach having a plurality of proposals with overlapping resources. While

Kocur teaches in column 6, lines 17-29 that a graph is built that links all work projects to each eligible worker, the graph is merely used as input to define the work plans. The graph may have overlapping resources, but the resulting plan does not. As shown in figure 1 of Kocur, the first plan is created after the graph is built. Only a single plan exists at this point. As new input is received, a new graph is built and the plan is updated. Only a single plan has been revised, not a plurality of proposals. Even when the updated plan is revised, only that single plan is being updated.

Furthermore, it would be improper to consider each work-project within Kocur to correspond to the proposals of the present claims, because in Kocur the work-projects do not change in response to receiving new inputs. Instead, it is the plan for the day that is changing. If the work-projects within Kocur have a corresponding element within the current claims, they would correspond to a process as described.

Finally, Applicants note that the only remaining reference, Crici, also fails to compensate for the inadequacies mentioned above with regard to Wetzer and Kocur. In fact, Crici was not even cited for teaching any of the foregoing limitations. Instead, Crici was only cited for disclosing the time availability of resources and the times in which a resource is not available.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.² For example, there are many limitations presented in the dependent claims that further distinguish the claims from the cited art, including, but not limited to the limitations presented in claim 8 wherein the selection of one of the plurality of proposals comprises balancing usage of the of the resources that are needed to perform the service. The Office Action cites paragraph [[0027]] of Wetzer as teaching this element, but the cited

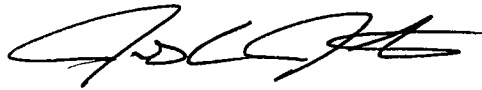
² Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

paragraph is directed, instead, to determining resources at a time generating a plan (with input), not at a time in which selection of a proposal occurs, as claimed.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 30th day of October, 2007.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
JOHN C. BACCOCH
Registration No. 59,890
Attorneys for Applicant
Customer No. 47973

JCJ:ahy
AHY0000006544V001